

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re POLYURETHANE FOAM
ANTITRUST LITIGATION

MDL Docket No. 2196

Index No. 10 MD 2196 (JZ)

This document relates to:
ALL CASES

STATUS CONFERENCE ORDER

JUDGE JACK ZOUHARY

The Court held a status conference on April 27, 2011, on the record, pursuant to the direct action (non-class) Plaintiffs' (the "Sealy Plaintiffs") Motion (Doc. Nos. 75, 77).

The purpose of the status conference was to address the Sealy Plaintiffs' Motion to Modify the Initial Case Management Order (Doc. Nos. 67, 68, 70). Generally, the Sealy Plaintiffs' Motion asked this Court to make modifications to the Initial Case Management Order (Doc. No. 17) that would clarify and accommodate a separate but parallel case management track for the Sealy Plaintiffs (and potentially other future Plaintiffs) that wish to coordinate with the class Plaintiffs for the purposes of discovery, but still assert their own claims in lieu of the Direct Purchasers' Consolidated Amended Class Action Complaint (Doc. No 46). Defendants opposed the Sealy Plaintiffs' Motion to Modify (Doc. No. 110).

Following oral argument, the parties conferred and agreed to a joint action plan with respect to the Sealy Plaintiffs' Motion. As represented to the Court, **all** Plaintiffs (class and non-class) will negotiate and cooperate on discovery protocols and agree to be bound by those negotiated protocols. All Plaintiffs will work together to coordinate discovery within the bounds of the agreed-upon protocols and the Sealy Plaintiffs will be considered parties to the lawsuit. Defendants' responses to the Sealy Plaintiffs' Complaint will be due **45 days** after this Court's rulings on Defendants' pending Motions to Dismiss (Doc. Nos. 89–92, 95–97, 99–103, 105, 109). The parties will submit a joint revised Case Management Order reflecting the agreed upon modifications.

The Court also ordered:

- The two indirect purchasers cases, 11 CV 166 and 11 CV 349 (now MDL Docket cases 11-pf-10002 and 11-pf-10003 respectively) are consolidated for all purposes.
- Defendants are granted **45 pages** for a “common issues” brief in support of their Motions to Dismiss the Consolidated Amended Complaint (Doc. No. 52) and up to **25 pages total** for individual briefs to be allocated as Defendants may agree.
- The Indirect Purchaser Plaintiffs are granted **45 pages** to oppose the joint brief and **10 pages total** for individual briefs to be allocated as Plaintiffs may agree.
- No reply briefs on the Motions to Dismiss the Consolidated Amended Complaint.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

May 2, 2011